

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA	:	
	:	CRIM. NO. 3:22-CR-12
	:	
v.	:	
	:	
AHKIL NASIR CRUMPTON	:	
	:	
<hr style="width: 40%; margin-left: 0;"/>	:	

***AMENDED* NOTICE OF INTENT TO RELY ON EXPERT WITNESS TESTIMONY
AND SUMMARY OF TESTIMONY OF FBI SPECIAL AGENT
JAMES “JAY” BERNI**

COMES NOW the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, and pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and Federal Rules of Evidence 702, 703, and 705 files this *Amended* Notice of Intent to Introduce Expert Witness and Summary of Testimony for Federal Bureau of Investigation (FBI) Special Agent James “Jay” Berni. The United States respectfully reserves the right to offer additional testimony by this expert, or other expert witnesses, and for the expert to amend or adjust his opinions and bases for those opinions due to information made known to the expert before or during trial.

Through Agent Berni, the United States intends to offer expert testimony in the area of historical cell site analysis. Agent Berni is presently assigned to the FBI’s Cellular Analysis Survey Team (CAST), which is tasked with providing cellular record analysis to federal, state, and local law enforcement agencies across the United States, and several other countries. As part of his regular duties, Agent Berni provides cellular records analysis to law enforcement agencies, to include mapping and analyzing records provided by cellular telephone service providers.

A complete listing of Agent Berni's education, training, presentations, professional experience, and certifications is provided in his Curriculum Vitae ("CV"), which is attached hereto as "**Government's Exhibit A**" and incorporated by reference into this Rule 16 Expert Witness Disclosure.

I. Agent Berni's Publications and Prior Testimony

While Agent Berni has not authored any publications within the past 10 years, he has testified numerous times as an expert witness during the previous 4 years. Agent Berni's attached CV contains a list of sixty-one (61) trials in which he was admitted as an expert in historical cell site analysis, or related fields, in both state and federal courts. Although the Government is only required to provide a list of cases during the previous 4 years in which a witness has testified as an expert, the list contained in Agent Berni's CV is significantly more thorough than that required under the law.

II. Statement of Opinions, Bases and Reasons

The following is "a complete statement of all opinions that the Government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under Rule 16(b)(1)(C), and the bases and reasons for them," Fed. R. Crim.

P. 16(a)(1)(G)(iii):

At trial, the Government intends to offer Agent Berni as an expert witness in the area of historical cell site analysis. Agent Berni will testify that he is a member of the FBI's Cellular Analysis Survey Team (CAST), which specializes in the examination of historical cell site data to locate the general geographic location of cell phones. Before testifying about the records and cell phone locations relevant in this case, Agent Berni will provide an overview of the functioning of cellular communication networks and explain the fundamentals of historical cell site analysis. In doing so, Agent Berni will detail his experience and the methodology or methods used in analyzing historical cell site data, which he used in reaching the conclusions documented in his report attached as

“Government’s Exhibit B” and incorporated by reference into this Rule 16 Expert Witness Disclosure. A summary of Agent Berni’s experience and the methods Agent Berni uses in analyzing historical cell site records are detailed in the attached document labeled **“Government’s Exhibit C,”** which is hereby incorporated by reference into this Rule 16 Expert Witness Disclosure.

At trial, Agent Berni will then testify that he reviewed the AT&T phone records for Crumpton’s cell phone, 215-807-9708. Based upon his review, Agent Berni will explain the extent to which Crumpton’s cell phone was serviced by cell towers in the general geographic area of: (1) the RaceTrac store in Watkinsville, Georgia, where Elijah Wood was murdered during the early-morning hours on March 19, 2021, and (2) the area of Philadelphia, Pennsylvania, where Anthony Jones was shot and killed during the early-morning hours on July 17, 2021.

Based on his review of Crumpton’s cell phone records, Agent Berni will testify which cell towers and which tower “sectors” were used to service Crumpton’s phone, which allowed him to narrow the general or approximate geographic location of Crumpton’s phone around the times when Elijah Wood and Anthony Jones were shot, as well as the general geographic area where the phones were located after the shootings.¹

As indicated by his signature below, FBI Special Agent Berni approves of this disclosure which the Government is filing pursuant to Fed. R. Crim. P. 16(a)(1)(G)(v):


James “Jay” Berni, FBI Special Agent

Date: 09/21/2023

¹ As shown on Page 9 of Government’s Exhibit B, Crumpton’s cell phone (215-807-9708) was serviced by the closest AT&T cell tower to the RaceTrac in Watkinsville on March 19, 2021, at 12:52 AM and then was serviced by a cell tower located away from and to the west of the RaceTrac at 1:25 AM. The Government’s evidence at trial will show that Elijah Wood was shot and killed at approximately 1:18 AM. The historical cell site data for Crumpton’s cell phone, as reflected on Page 11 of Government’s Exhibit B, shows that on July 17, 2021, Crumpton’s phone was in the general area of Philadelphia where and when Anthony Jones was shot and then moved to a different area of the city following the shooting.

Respectfully submitted, this 21st day of September, 2023.

PETER D. LEARY
UNITED STATES ATTORNEY
MIDDLE DISTRICT OF GEORGIA

s/ *Michael Morrison*
MICHAEL MORRISON
Assistant United States Attorney
Georgia Bar No. 153001
United States Attorney's Office
Middle District of Georgia
Post Office Box 1702
Macon, Georgia 31202-1702
Telephone: (478) 752-3511
E-mail: mike.morrison@usdoj.gov

CERTIFICATE OF SERVICE

I, MICHAEL MORRISON, Assistant United States Attorney, hereby certify that on the 21st day of September, 2023, I electronically filed the within and foregoing *Amended* Notice of Intent to Introduce Expert Witness and Summary of Testimony of FBI Special Agent Berni with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

PETER D. LEARY
UNITED STATES ATTORNEY
MIDDLE DISTRICT OF GEORGIA

s/ Michael Morrison
MICHAEL MORRISON
Assistant United States Attorney
Georgia Bar No. 153001
United States Attorney's Office
Middle District of Georgia
Post Office Box 1702
Macon, Georgia 31202-1702
Telephone: (478) 752-3511
E-mail: Mike.Morrison@usdoj.gov

CURRICULUM VITAE



James "Jay" Berni

Special Agent
Federal Bureau of Investigation
Mobile Division (Auburn RA) – Cellular Analysis Survey Team (C.A.S.T.)
3371 Skyway Drive, Auburn, Alabama 36830
Office: (334) 734-8328

PROFESSIONAL EXPERIENCE

Federal Bureau of Investigation

Special Agent

(October 2007 – Present)

April 2019 – Present (Auburn, AL): Cellular Analysis Survey Team (CAST) National Asset

- Provide cellular record analysis to federal, state, and local law enforcement agencies across the United States, and several overseas countries (Ukraine, Mexico, St. Lucia, and Antigua).
- Assist all levels of law enforcement agencies utilize call detail records and other geolocation information for law enforcement purposes.

January 2018 – April 2019 (Montgomery, AL): Central Alabama Safe Streets Task Force

- Investigate crimes involving illegal drugs, guns, and violence.
- Provide cellular record analysis to federal, state, and local law enforcement in the Southeastern region of Georgia, Alabama, Mississippi, Louisiana, and Florida, to include mapping and analyzing records.

January 2009 – December 2017 (Minneapolis, MN): Safe Streets Violent Gang Task Force.

- Work multiple complex criminal investigations utilizing call detail records, Pen Register/Trap and Trace devices, and other sophisticated techniques, such as Title III investigations.
- Assist and provide cellular record analysis and technological assistance to federal, state, and local law enforcement in the tri-state region of Minnesota, North Dakota and South Dakota, to include mapping and analyzing records. This analysis led to the apprehension of violent criminals (both historical and real-time), evidence recovery, and has helped to corroborate investigations.

October 2007 – January 2009 (Minneapolis/St. Paul, MN): Bank Robbery Coordinator

- Investigated bank robbery cases in the Twin Cities area.
- Coordinated with multiple law enforcement agencies regarding bank robbery investigations in Minneapolis.

Signals Intelligence Officer – U.S. Army

National Security Agency (NSA)

Fort Meade, Maryland
(April 2002 – February 2007)

- Worked as a U.S. Army Signals Intelligence Officer. Tracked and located Department of Defense High Value Targets in overseas combat zones using cell phones, satellite phones and other communication devices.

- Received specialized training in radio wave propagation, radio frequency collection, direction finding, device tracking, and analysis.

EDUCATION

Auburn University

Auburn, Alabama
 Bachelor of Arts in Criminal Justice – 1998
 Distinguished Military Graduate

PROFESSIONAL TRAINING & INSTRUCTION

Have received over 400 total hours in the use of cellular telephones in investigations, cellular network setup, and cellular telephone technologies/protocols (GSM, CDMA, UMTS, LTE, 5G) including the following training:

- U.S. Army Signals Intelligence School – Fort Huachuca, AZ (4 weeks, 2002)
- Cellular Analysis & Geo-location – FBI, Potomac, Maryland (3 days, 2010)
- Project Pin-Point (PPP) Cellular Analysis Survey Course – FBI, Philadelphia, PA (3 days, 2014)
- Advanced Project Pin Point – FBI, Philadelphia, PA (1 week, 2015)
- Harris Basic – Harris Corporation, Melbourne, FL (2 weeks, 2015)
 - RF technology company which provides training to government agencies
- Cellular Analysis Survey Team (CAST) Certification Course – FBI, Nashville, TN & Los Angeles, CA (4 weeks, 2016)
 - Four week detailed program reviewing RF technology and propagation, cellular network architecture, and cellular technologies (GSM, CDMA, UMTS, LTE), as well as location based services. Course included extensive training in the JDSU/RAN Advisor/GAR (Gladiator Autonomous Receiver) drive test tools/equipment and practical hands-on applications, as well as legal training. Additionally, all five major cellular service providers (T-Mobile, Sprint, Verizon, AT&T, and US Cellular) had representatives from their legal compliance departments, as well as a cellular engineer, provide in-person and distance presentations and training on their company's respective technologies and equipment.
- CAST Annual Recertification and Training (all major cellular providers) – FBI, San Antonio, TX (1 week, 2017), Orlando, FL (1 week, 2018), New Orleans, LA (1 week, 2019), Mobile, AL (1 week, 2020), Savannah, GA (1 week, 2021), San Antonio, TX (1 week, 2022), and Atlanta, GA (1 week, 2023).
- Instructor for cellular analysis at Child Abduction Rapid Deployment (CARD) training, Mobile, AL (2017) and International Homicide Investigators Advanced Course, Columbus, GA (2019).
- Instructor for the FBI's Basic Historical Cell Site Analysis Course. Students were local, state, and federal law enforcement agencies – FBI, Minneapolis, MN (July 2017) Madison, WI (August 2017) San Antonio, TX (September 2018), Mobile, AL (October 2019), Opelika, AL (November 2019), Knoxville, TN (November 2020), Columbus, GA (November 2021), Atlanta, GA (June 2022), San Juan, Puerto Rico (August 2022), Greenville, AL (September 2022), Oklahoma City, OK (November 2022), and St. Augustine, FL (January 2023).

CERTIFICATIONS

- FBI Cellular Analysis Survey Team (CAST) Certified Field Asset – 2016

COURTROOM EXPERIENCE

Testified and accepted as an expert in historical cell site analysis in Forty-two (42) trials in the following state and federal courts:

- Alabama (State Court) – Montgomery, Houston County and Henry County
- Alabama (Federal Court) – Southern District of Alabama, Middle District of Alabama and Northern District of Alabama
- Florida (Federal Court) – Southern District of Florida
- Georgia (State Court) – Cobb County, Dekalb County, Oconee County, and Coweta County
- Georgia (Federal Court) – Northern District of Georgia

- Louisiana (Federal Court) – Eastern District of Louisiana
- Minnesota (State Courts) – Hennepin County and Ramsey County
- Minnesota (Federal Court) – District of Minnesota
- North Carolina (Federal Court) – Middle District of North Carolina
- South Dakota (State Court) – Day County
- Tennessee (Federal Court) – Middle District of Tennessee
- Virginia (Federal Court) – Eastern District of Virginia

DATE	CASE NUMBER	CASE NAME	DISTRICT/STATE COURT	STATE
2/6/2017	MN 27-CR-16-28974	State of MN vs Albert George McIntosh	Hennepin County	MN
6/28/2017	3:16-CR-00428	USA v Tariq Khalil Jones	Middle District of Alabama	AL
10/31/2017	MN 27-CR-15-21028	State of MN vs Nigeria Harvey	Hennepin County	MN
1/18/2018	MN 27-CR-17-1879	State of MN vs Joshua Ezeka	Hennepin County	MN
1/23/2018	1:17-CR-106	USA v Lamont Gaines	Eastern District of Virginia	VA
3/29/2018	MN 62-CR-17-1589	State of MN vs Diamond Laray Reynolds	Ramsey County	MN
12/13/2018	27-CR-18-14448	State of MN vs Dewayne Braswell	Hennepin County	MN
2/6/2019	CC-2017-0213	State of AL vs Steven Nance	Houston County	AL
3/26/2019	1:2018-CR-00011	USA v Dennis Reinaldo Peralta	Middle District of Alabama	AL
4/12/2019	CC-2018-0140	State of AL vs Herman Cunningham	Henry County	AL
5/15/2019	18-CR-00216	USA vs Martavis James	District of Minnesota	MN
5/20/2019	18CRI18-00022	State of SD vs Jose Rodriguez	Day County	SD
10/22/2019	CC-2018-2561	State of AL vs Deandre Hale	Houston County	AL
10/29/2019	19-CR-220	USA v Jemarkus Thompson	Northern District of Alabama	AL
10/21/2020	19-CR-310	USA v Stanley Young	Southern District of Alabama	AL
5/5/2021	CC-2018-000241	State of AL vs Willie McLean	Montgomery County	AL
6/17/2021	2019-SU-CR-588 2019-SU-CR-589	State of GA vs Dunston, McCabe, and ONeal	Oconee County	GA
6/29/2021	21-0029	State of GA vs Tico Holloway	Cobb County	GA

7/22/2021	19-CR-433	USA v Mapson	Northern District of Alabama	AL
8/30/2021	19-CR-267-1	State of GA vs Malik Nunnally	Dekalb County	GA
9/28/2021	19-CR-387-2	State of GA vs Randy Haynes	Dekalb County	GA
12/1/2021	19-CR-230	USA v Jareece Blackmon	Middle District of Alabama	AL
12/3/2021	21-3500	State of GA vs Juan Sierra	Cobb County	GA
12/9/2021	20-CR-2682	State of GA vs Carey Jackson	Dekalb County	GA
3/16/2022	19-CR-3733	State of GA vs Hussan Chester	Dekalb County	GA
3/22/2022	20-CR-2638	State of GA vs Eric Rodriguez	Dekalb County	GA
3/31/2022	2:17-CR-00201	USA v Curtis Johnson Jr	Eastern District of Louisiana	LA
4/27/2022	19-CR-2162	State of GA vs Angelo Lenon	Dekalb County	GA
5/11/2022	18-CR-4331	State of GA vs Quinten Lee	Dekalb County	GA
7/1/2022	20-CR-463	USA v Antonio Davenport	Middle District of North Carolina	NC
7/19/2022	21-CR-1591	State of GA vs Sheldon Ragland	Dekalb County	GA
8/11/2002	21-CR-101	USA v Johnnie Davis	Middle District of Alabama	AL
8/16/2022	17-CR-00130	USA v Meyerholz, Dykes, Boylston, Nelper	Middle District of Tennessee	TN
8/17/2022	18-CR-277	USA v Cedrick Hill	Northern District of Georgia	GA
8/18/2022	CC-2018-110	State of AL vs Travon Williams	Montgomery County	AL
8/30/2022	19-CR-1696	State of GA vs Jawon Mosely	Dekalb County	GA
9/21/2022	22-CR1549	State of GA vs Nathan Jones	Dekalb County	GA
10/26/2022	19-CR-2162	State of GA vs Angelo Lenon	Dekalb County	GA
11/3/2022	19-CR-73	USA v Thaddeus Rhodes	Northern District of Georgia	GA
2/2/2023	18-CR-482	State of GA vs Marcus Daniels	Coweta County	GA
2/9/2023	20-CR-439	USA v Adolfo Mendoza	Northern District of Georgia	GA

2/23/2023	22-CR-20320	USA v Arturo Cabrera	Southern District of Florida	FL
-----------	-------------	----------------------	---------------------------------	----

Updated: 3/3/2023 jjb